

Bill Number: SB 22
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO SENATE BILL 22
CRIMINAL PROCEDURE – CUSTODIAL INTERROGATION - CODIFICATION

I write in opposition to Senate Bill 43 which attempts to codify decades of Constitutional case law that is derived from the Miranda v. Arizona decision. For decades case law has determined the admissibility of statements made by Defendants in a criminal case. Each of these cases turn on very specific facts that are analyzed under the Constitutional standards established by the courts. To try to turn that case law into a statute is not necessary as it is already codified in law. What is more is that each case is different and turns on their own particular facts.

Adding requirements that the waiver must always be signed or that the advice must be audio or video recorded is unrealistic and beyond what is necessary for the protection of a person's rights.

I urge an unfavorable vote.